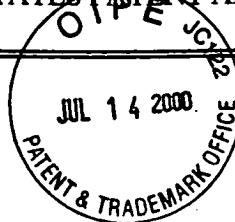


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Nora B. Aghassi  
Kim Franceschini  
Paul J. Ardi



ATTY DKT NO. P6335.01CIP

TITLE: COMPOSITION AND METHOD FOR  
TREATING TISSUE SAMPLES

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,**  
**CONTINUATION OR CIP)**

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

original  
 design  
 supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation, or continuation-in-part application, do not check next item; check appropriate one of last three items.

national stage of PCT

NOTE: If one of the following three items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION or CIP.

divisional  
 continuation  
 continuation-in-part

**INVENTORSHIP IDENTIFICATION**

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:



**TITLE OF INVENTION:  
COMPOSITION AND METHOD FOR TREATING TISSUE SAMPLES**

**SPECIFICATION IDENTIFICATION**

the specification of which: *(complete (a), (b) or (c))*

(a)  is attached hereto  
(b)  was filed on   /  /   as Serial No.   /  ,   or  
       Express Mail No.           , as Serial No. not yet known, and was amended on  
                 (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c)  was described and claimed in PCT International Application No. PCT/US9 / /  
      filed on   /  /   and as amended under PCT Article 19 on   /  /   (if any).

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information:

which is material to the patentability as defined in 37, Code of Federal Regulations, § 1.56.

(also check the following, if desired)

and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

**PRIORITY CLAIM (35 U.S.C. § 119)**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d)  no such applications have been filed.  
(e)  such applications have been filed as follows:



Where item (c) is entered above and the International Application which designated the U.S. claimed priority, check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119**

COUNTRY	APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN  
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS  
U.S. APPLICATION**

COUNTRY	APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete "Added Pages to Combined Declaration and Power of Attorney for Divisional, Continuation, or C-I-P Application" for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

**POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number.)

Daniel D. Chapman	Registration No. 32,726
William B. Nash	Registration No. 33,743
Mark H. Miller	Registration No. 29,197
Thomas Sisson	Registration No. 29,348
Cline H. White	Registration No. 45,213

(check the following item, if applicable)

Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>INVENTOR: Nora B. Aghassi Kim Franceschini Paul J. Ardi</p> <p>SERIAL NO.: 09/515,283</p> <p>FILING DATE: 02/29/00</p> <p>TITLE: COMPOSITION AND METHOD FOR TREATING TISSUE SAMPLES</p>	<p>ATTY DKT NO. P-6335.01(CIP)</p> <p>RECEIVED APR 24 2002 TECH CENTER 1600/2900</p>
--	--

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,**  
**CONTINUATION OR CIP)**

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

original  
 design  
 supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation, or continuation-in-part application, do not check next item; check appropriate one of last three items.

national stage of PCT

NOTE: If one of the following three items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION or CIP.

divisional  
 continuation  
 continuation-in-part

**INVENTORSHIP IDENTIFICATION**

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION:**  
**COMPOSITION AND METHOD FOR TREATING TISSUE SAMPLE**

## SPECIFICATION IDENTIFICATION

the specification of which: (*complete (a), (b) or (c)*)

(a)  is attached hereto  
(b)  was filed on 02/29/00 as Serial No. 09/515,283 or  
[ ] Express Mail No. \_\_\_\_\_, as Serial No. not yet known, and was amended on \_\_\_\_\_  
(if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c)  was described and claimed in PCT International Application No. PCT/US9 / /  
filed on \_\_/\_\_/\_\_ and as amended under PCT Article 19 on \_\_/\_\_/\_\_ (*if any*).

## ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information:

which is material to the patentability as defined in 37, Code of Federal Regulations, § 1.56.

(also check the following, if desired)

[ ] and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and  
[ ] In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

## PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(*complete (d) or (e)*)

(d)  no such applications have been filed.  
(e)  such applications have been filed as follows:

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority, check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119**

COUNTRY	APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN  
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS  
U.S. APPLICATION**

COUNTRY	APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**NOTE:** If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete "Added Pages to Combined Declaration and Power of Attorney for Divisional, Continuation, or C-I-P Application" for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

**POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number.*)

Daniel D. Chapman	Registration No. 32,726
William B. Nash	Registration No. 33,743
Mark H. Miller	Registration No. 29,197
Thomas Sisson	Registration No. 29,348
Cline H. White	Registration No. 45,213
Richard R. Ruble	Registration No. 45,720
Daniel S. Hodgins	Registration No. 31,026

(check the following item, if applicable)

Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

**SEND CORRESPONDENCE TO:**

Daniel D. Chapman  
JACKSON WALKER, LLP  
112 E. Pecan, Suite 2100  
San Antonio, Texas 78205

**DIRECT TELEPHONE CALLS TO:**  
(Name and Telephone Number)

Daniel D. Chapman  
(210) 978-7700

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

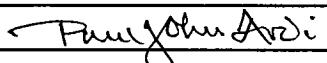
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APR 24 2002

### SIGNATURES

TECH CENTER 1600/2900

FULL NAME OF SOLE/FIRST INVENTOR	Nora Betsyousef Aghassi
INVENTOR'S SIGNATURE	
DATE OF EXECUTION	3/12/02
COUNTRY OF CITIZENSHIP	USA
RESIDENTIAL ADDRESS	438 Randall Rd Hot Springs AR 71913
POST OFFICE ADDRESS	100 Greenwood Ave. Suite B Hot Springs AR 71913

FULL NAME OF SECOND INVENTOR	PAUL JOHN ARDI
INVENTOR'S SIGNATURE	
DATE OF EXECUTION	MARCH 12, 2002
COUNTRY OF CITIZENSHIP	USA
RESIDENTIAL ADDRESS	10 Meseta Lane, Hot Springs Village AR 71909
POST OFFICE ADDRESS	100 Greenwood Ave, Suite B, Hot Springs, AR 71913

FULL NAME OF SOLE/FIRST INVENTOR	
INVENTOR'S SIGNATURE	
DATE OF EXECUTION	
COUNTRY OF CITIZENSHIP	
RESIDENTIAL ADDRESS	
POST OFFICE ADDRESS	

**CHECK PROPER BOX(ES) IF ANY OF THE FOLLOWING ADDED PAGE(S)  
FORM A PART OF THIS DECLARATION**

- Signature for subsequent joint inventors. Number of pages added: \_\_\_\_\_.
- Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added: \_\_\_\_\_.
- Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.45. Number of pages added: \_\_\_\_\_.

- Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47).
- Added pages to combined declaration and power of attorney for claiming priority of provisional, divisional, continuation, or continuation-in-part (CIP) application. Number of pages added: one (1).
- Authorization of attorney(s) to accept and follow instructions from representative.

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item:

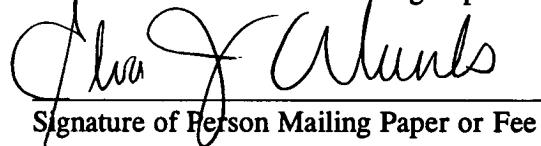
- This declaration ends with this page.

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Commissioner of Patents and Trademarks, Washington, D.C. 20231", as follows:

<u>37 CFR 1.8(a)</u>	<u>37 CFR 1.10</u>
<input type="checkbox"/> With sufficient postage as First Class Mail.	<input checked="" type="checkbox"/> As "Express Mail Post Office to Addressee", Mailing Label No. <u>EV05264791245</u>
Date: _____, 2002.	Date: <u>4-19-</u> , 2002.

Elva J. Abundis  
Printed Name of Person Mailing Paper or Fee

  
Signature of Person Mailing Paper or Fee

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION**

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. §120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120</b>				
<b>U.S. APPLICATIONS</b>		<b>Status (Check one)</b>		
<b>U.S. APPLICATIONS</b>	<b>U.S. FILING DATE</b>	<b>Patented</b>	<b>Pending</b>	<b>Abandoned</b>
1. 08/957,098	10/24/97			X
2.				
<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>				
<b>PCT APPLI- CATION NO.</b>	<b>PCT FILING DATE</b>	<b>U.S. SERIAL NOS. ASSIGNED (if any)</b>		
3.				
4.				

3107541v1



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APR 24 2002

TECH CENTER 1600/2900

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Commissioner of Patents and Trademarks, Washington, D.C. 20231", as follows:

<u>37 CFR 1.8(a)</u>	<u>37 CFR 1.10</u>
<input type="checkbox"/> With sufficient postage as First Class Mail.	<input checked="" type="checkbox"/> As "Express Mail Post Office to Addressee", Mailing Label No. <u>EV052647912US</u> .
Date: _____, 2002.	Date: <u>4-19-</u> , 2002.

Elva J. Abundis  
Printed Name of Person Mailing Paper or Fee  
Elva J. Abundis  
Signature of Person Mailing Paper or Fee

3084407v1

— supporting statement by witnesses

The accompanying Exhibit A is a copy of my laboratory notebook for dates before March 1997. The specific pre-March 1997 dates are marked by the term "DATE." Attention is directed to the last two entries where a buffer such as citrate combined with an emulsifier such as Simple Green in a PC (pressure cooker). This is being tested for the immunoactivation of paraffin-embedded, formalin-affixed tissue sample. From these documents and/or models, it can be seen that the invention in this application was made before the date of March, 1997, which date is earlier than the effective date of the reference.

**TIME OF PRESENTATION OF THE DECLARATION**

- This declaration is submitted prior to final rejection.
- This declaration is submitted with the first response after final rejection, and is for the purpose of overcoming a new ground of rejection or requirement made in the final rejection.
- This declaration is submitted after final rejection, however, it is being submitted with an RCE, along with the Petition for two extension of time.

4. The invention was reduced to practice before March, 1997 and was offered to the public at a trade show in Little Rock, Arkansas on or about March 7<sup>th</sup> or 8<sup>th</sup> 1997. The trade show was sponsored by The Society of Histochemistry and I gave a 4 hour lecture explaining the invention, including the advantage of performing deparaffinization and antigen retrieval in a single step.

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURES**

Inventor:

Full name of the inventor: Nora Aghassi

Inventor's signature: Nora Aghassi

Date 4/15/02 Country of Citizenship: USA

Residence: Hot Springs, Arkansas 71913

Post Office Address: 438 Randall Rd.

O I P E  
APR 19 2002  
PATENT & TRADEMARK OFFICE

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Commissioner of Patents and Trademarks, Washington, D.C. 20231", as follows:

<u>37 CFR 1.8(a)</u>	<u>37 CFR 1.10</u>
<input type="checkbox"/> With sufficient postage as First Class Mail.	<input checked="" type="checkbox"/> As "Express Mail Post Office to Addressee", Mailing Label No. <u>EV052647912US</u>
Date: _____, 2002.	Date: <u>4-19-</u> , 2002.

*Elvin J. Abundis*

Printed Name of Person Mailing Paper or Fee

*Elvin J. Abundis*

Signature of Person Mailing Paper or Fee

RECEIVED  
APR 24 2002  
TECH CENTER 1600/2900

SEND CORRESPONDENCE TO:

Daniel D. Chapman  
JACKSON WALKER, LLP  
112 E. Pecan, Suite 2100  
San Antonio, Texas 78205

DIRECT TELEPHONE CALLS TO:  
(Name and Telephone Number)

Daniel D. Chapman  
(210) 978-7700



DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

FULL NAME OF SOLE/FIRST INVENTOR	Nora B. Aghassi
INVENTOR'S SIGNATURE	<i>Nora B. Aghassi</i>
DATE OF EXECUTION	7/10/2000
COUNTRY OF CITIZENSHIP	United States
RESIDENTIAL ADDRESS	5204 Eagle Trace Tr. Austin, TX 78730
POST OFFICE ADDRESS	

FULL NAME OF SECOND INVENTOR	Kim Franceschini
INVENTOR'S SIGNATURE	<i>Kim Franceschini</i>
DATE OF EXECUTION	7.10.00

COUNTRY OF CITIZENSHIP	United States
RESIDENTIAL ADDRESS	16046 Fontaine Ave
POST OFFICE ADDRESS	AUSTIN TEXAS 78734

FULL NAME OF SECOND INVENTOR	Paul J. Ardi
INVENTOR'S SIGNATURE	<i>Paul J. Ardi</i>
DATE OF EXECUTION	7-10-00
COUNTRY OF CITIZENSHIP	United States
RESIDENTIAL ADDRESS	2716 Burton Creek Blvd #1913 Austin TX 78735
POST OFFICE ADDRESS	PO Box 26084 Austin TX 78755

*CHECK PROPER BOX(ES) IF ANY OF THE FOLLOWING ADDED PAGE(S)  
FORM A PART OF THIS DECLARATION*

- Signature for subsequent joint inventors. Number of pages added: \_\_\_\_\_
- Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added: \_\_\_\_\_
- Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.45. Number of pages added: \_\_\_\_\_
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*If no further pages form a part of this Declaration then end this Declaration with this page and check the following item:*

This declaration ends with this page.

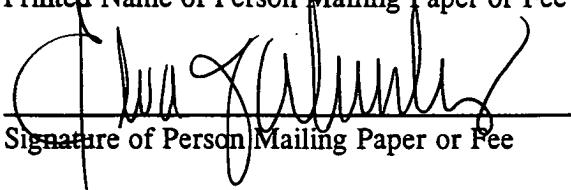
**CERTIFICATE OF MAILING**

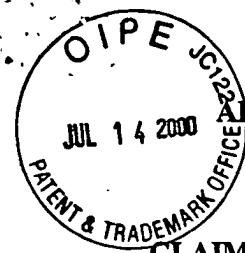
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Date: _____, 19____	Date: <u>7/14/2000</u>



ELVA J. Abundis  
Printed Name of Person Mailing Paper or Fee  
  
Signature of Person Mailing Paper or Fee



ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. §120

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PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120				
U.S. APPLICATIONS		Status (Check one)		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. 08/957,098	10/24/97		<input checked="" type="checkbox"/>	
2.				
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)		
3.				
4.				

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